

Draft Response

U.S. Patent Application No.: 08/809,340Page 6**REMARKS**

This response amends Claims 5, 6, and 43. Claims 5, 6, and 43 are amended for purposes of clarity. Support for amending Claim 43 can be found in, inter alia, Figures 19 and 20, and page 10, lines 19 through 29 of the current specification. Upon amendment, the application will have 8 total claims and one independent claim (Claim 43). No excess claim fees are due. This response is being timely filed and no extension of time fees are due.

1. Claims 8, 11, 12, and 13

On page 2, item 1 of the Office Action, the Examiner states "claims 5-7, 9, 10, 14, 43, and 45 belong with the elected species" and "claims 8, 11, 12, and 13 do not belong with the elected species".

The Applicant submits that Claim 43 should be considered generic to the species identified by the Examiner in Claims 8, 11, 12, and 13. It is noted that claims 8, 11, 12, and 13 indirectly depend on generic Claim 43. Therefore, Claims 8, 11, 12, and 13 may be properly included in the elected species B. Applicant respectfully requests the Examiner consider Claims 8, 11, 12, and 13 on their merits.

Furthermore, under 37 C.F.R. 1.41, if the Examiner should find Claim 43 to be allowable, the Applicant requests that all claims dependent on Claim 43 be allowed, even though they may recite a non-elected species. That is, if Claim 43 is allowed, claims 15-21 and 23 should be allowed, at least based upon their dependence on an allowable base claim.

2. Declaration

On pages 2 and 3 of the Office Action, paragraph 3, the Examiner states "The oath or declaration is defective." The Examiner continues by pointing out that the original declaration filed on September 15, 2000 does not claim priority to PCT International Application No. PCT/EP95/03451 filed on September 1, 1995. A new declaration is being submitted with this response properly claiming priority to the PCT International

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Application No. PCT/EP95/03451 and Italian Patent Application VR94A000082 filed on September 14, 1994.

3. 35 USC § 103

- 5 On pages 3 through 4 of the Office Action, paragraph 5, the Examiner rejects Claims 5-7, 9, and 43 under 35 U.S.C. 103(a) "as being unpatentable over UK Patent Application GB 2,263,660 taken together with German Patent 3,928,301". On pages 4 and 5, paragraph 6 of the Office Action, the Examiner rejects Claims 10 and 14 under 35 U.S.C. 103(a) "as being unpatentable over GB '660 taken together with German '301, as applied to claims
- 10 5-7, 9, and 43 above, and further in view of Padovani (U.S. Patent 5,118,277, hereinafter referred to as Padovani)." On page 5, paragraph 7 of the Office Action, the Examiner rejects Claim 45 under 35 U.S.C. 103(a) "as being unpatentable over GB '660 taken together with German '301, as applied to claims 5-7, 9, and 43 above, and further in view of Beyer-Olsen et al. (U.S. Patent 3,966,386, hereinafter referred to as Beyer-Olsen)."

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3.1 Rejection of Claims 5-7, 9, and 43

Applicant submits that Claim 43 is patentable over the combination of UK Patent Application GB 2,263,660 (hereinafter referred to as '660) and German Patent 3,928,301 (hereinafter referred to as '301).

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- On page 4, paragraph 5 of the Office Action, the Examiner alleges '301 teaches a "thermoforming apparatus including an extraction head having receiving holes defined by two annular surfaces defining an annular shoulder therebetween (the receiving hole having an interior dimension which is smallest in a region remote from said exterior surface, as claimed in claim 43)." The Examiner continues by alleging that it would have
- 25 been obvious to modify '660 "by providing the receiving seats of both the extraction head and the conveying template as the receiving seat having an annular shoulder as disclosed in German '301, in order to more securely attach the thermoformed articles to the extraction head and the conveying template."

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Applicant respectfully submits that '301 fails to teach, suggest, or hint a "receiving hole adapted to engage a thermoformed article and having an annular collar to define a retention means for removably holding a thermoformed article disposed in the hole, said annular collar having an interior dimension being smallest in a region remote from said exterior surface" as claimed in Claim 43. Figure 1 of '301 shows that the receiving hole has an interior dimension, which is smallest in a region remote from the exterior surface of the element labeled with the reference numeral 6, but '301 fails to show an annular collar. Applicant respectfully submits a copy of page 46 of Webster's New Collegiate Dictionary showing the definition of the word "annular" to be "of, relating to, or forming a ring". The protrusions 9 of Figure 1 and Figure 2 (which is a top plan view of element 6 in Figure 1) of '301 do not form a ring or a ringlike structure. The receiving hole of '301 does not show an annular structure at all. Therefore, '301 fails to teach, hint, or suggest "receiving hole adapted to engage a thermoformed article and having an annular collar to define a retention means for removably holding a thermoformed article disposed in the hole, said annular collar having an interior dimension being smallest in a region remote from said exterior surface." Examiner states '660 fails to teach a "receiving hole adapted to engage a thermoformed article and having an annular collar to define a retention means for removably holding a thermoformed article disposed in the hole, said annular collar having an interior dimension being smallest in a region remote from said exterior surface" on pages 3 through 4, item 5 of the outstanding Office Action. Therefore, the combination of '660 with '301 fails to teach, hint, or suggest the subject matter of Claim 43. Applicant submits that Claim 43 is patentable over the combination of '660 and '301. Furthermore, claims dependent on Claim 43, namely Claims 5-7, 9, 10, 14, and 45 are also patentable over the combination of '660 and '301 due at least to their dependence on Claim 43.

3.2 Rejection of Claims 10 and 14

In section 2.1 of this response, the Applicant has shown that Claims 10 and 14 are patentable over '660 taken together with '301. The Applicant further submits that Claims 10 and 14 are patentable over the combination of '660, '301, and Padovani.

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Padovani discloses a curling machine having a plate 40 formed with a plurality of female molds 49 in which a respective heated beaker 21 is received and held by a resilient ring lip 46, 47 while being transferred from a delivery position 42 to a forming (curling) position 43 and to an expulsion position 44. Padovani fails to teach, hint, or suggest a

5 “receiving hole adapted to engage a thermoformed article and having an annular collar to define a retention means for removably holding a thermoformed article disposed in the hole, said annular collar having an interior dimension being smallest in a region remote from said exterior surface.” Furthermore, as shown in section 2.1 of this response, Claim 43, as amended, is patentable over the combination of ‘660 and ‘301. Therefore, Claim

10 43 is patentable over a combination of ‘660, ‘301, and Padovani. Due at least to their dependency on Claim 43, Claims 10 and 14 are also patentable over a combination of ‘660, ‘301, and Padovani.

3.3 Rejection of Claim 45

15 In section 2.1 of this response, the Applicant has shown that Claim 45 is patentable over a combination of ‘660 and ‘301. The Applicant further submits that Claim 45 is patentable over the combination of ‘660, ‘301, and Beyer-Olsen.

20 Beyer-Olsen discloses a machine for rotational molding of hollow articles in plastics, wherein the mold rotates simultaneously in two planes during the molding process (column 1, lines 19-22 of Beyer-Olsen). Beyer-Olsen fails to teach, hint, or suggest a “receiving hole adapted to engage a thermoformed article and having an annular collar to define a retention means for removably holding a thermoformed article disposed in the hole, said annular collar having an interior dimension being smallest in a region remote

25 from said exterior surface....” as claimed in Claim 43 of the present invention. Therefore, Claim 43 is patentable over a combination of ‘660, ‘301, and Beyer-Olsen; due at least to its dependency on Claim 43, Claim 45 is also patentable over a combination ‘660, ‘301, and Beyer-Olsen.

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U.S. Patent Application No.: 08/809,340Page 10**4. Conclusion**

For the reasons explained above, favorable reconsideration of the present application is requested. The Applicants submit that Claim 43 is a generic claim and is allowable as amended. The Applicants further submit that Claims 5-14, 15-21, 23, and 45 are allowed at least based upon their dependence on the allowable base claim, Claim 43.

The Commissioner is authorized to charge any additional fees, which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent & Trademark Office, Fax No., (703) 872-9310, on,

July 8, 2002

(Date of Deposit)

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Enclosure: Declaration in compliance with 37 CFR 1.67(a)
Appendix A
Page 46 of Webster's New Collegiate Dictionary

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U.S. Patent Application No.: 08/809,340Page A-1**APPENDIX A:****MARKED VERSION SHOWING CHANGES MADE**

5. (Amended twice) A thermoforming apparatus as claimed in claim 43, [further comprising:] wherein

5 said template conveyor is a chain conveyor [wound by] with a pair of chain wheels and having a run thereof extending along the respective die or counter-die but beyond the encumbrance thereof; and

 wherein said [extraction pick-up means] conveyor comprises a plurality of [extraction plates] conveying templates carried at predetermined intervals from each
10 other on said conveyor, each [extraction plate] conveying template being fitted with extraction plate receiving holes with equatorial shoulder for retaining the thermoformed articles in proper orientation during their conveyance.

6. (Amended twice) A thermoforming apparatus as claimed in claim 43, [further
15 comprising a] wherein said template conveyor conveying at least one of said receiving conveying templates, said template conveyer [extending] extends through at least one work and/or treatment station and [moving] moves stepwise at the opening-closure rate of the dies for receiving thermoformed articles from an extraction plate associated with said extraction pick-up means, said extraction plate withdrawing [a] thermoforming [article]
20 articles from the female die and transferring [it] them to [said] a conveying template[,] of said template conveyor whereby conveying the thermoforming articles in sequence to said at least one work and/or treatment station along the template conveyor.

43. (Amended twice) A thermoforming apparatus comprising:
25 a thermoforming machine fitted with at least one female die; and
 extraction pick-up means adapted to withdraw a plurality of thermoformed [article] articles from the female die, said extraction pick-up means including a receiving seat for each thermoformed article to be extracted,
 wherein the thermoforming machine is fitted with at least one counter-die, the at
30 least one female die and counter-die being reciprocally approachable and removable for the operations of closing, thermoforming and opening,

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the apparatus further comprising a feeder for feeding thermoforming material between each female die and counter-die, and

- at least one receiving station adapted to receive one or more thermoformed articles, wherein said receiving station comprises one or more receiving conveying
- 5 templates in a template conveyor, each receiving conveying template having an exterior surface and one or more receiving holes disposed within said template and communicating with said exterior surface, each receiving hole adapted to engage a thermoformed article [and having an interior dimension which is smallest in region remote from said exterior surface] and an annular collar to define a retention means for
- 10 [resiliently] removably holding a thermoformed article disposed in the hole, said annular collar having an interior dimension being smallest in a region remote from said exterior surface.